

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM MAC MCCORCLE,

Defendants.

2:14-CR-00327-LRH-VCF

ORDER

Before the Court is Defendant William Mac McCorcle's ("McCorcle") Motion to Reconsider Sentence. Doc. #33.¹ The United States of America ("United States") filed a Response (Doc. #38), to which McCorcle filed a Reply (Doc. #40).

I. Factual and Procedural Background

McCorcle was convicted, on his guilty plea, of bank robbery in violation of 18 U.S.C. § 2113(a). Doc. #31. On December 15, 2015, the Court sentenced McCorcle to 57 months' imprisonment. Doc. #31. The Court entered a judgment of conviction on December 16, 2015. Doc. #32. McCorcle, through counsel, filed a timely notice of appeal on December 29, 2015. Doc. #36. His appeal has been docketed as CA No. 15-10617.

On December 23, 2015, McCorcle filed a pro se motion to reconsider sentence. Doc. #33. The United States filed a Response on January 5, 2016. Doc. #38. McCorcle filed a Reply on January 19, 2016. Doc. #40.

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¹ Refers to the Court's docket number.

McCorcle argues that the terms of his supervised release should be modified, specifically the condition that he participate in gambling addiction treatment and the condition prohibiting him from entering gambling establishments. However, this Court cannot consider his motion for two reasons. First, McCorcle currently has an appeal pending before the Ninth Circuit—this fact alone deprives this Court of jurisdiction to act on his request. *See, e.g., United States v. Thompson*, No. CR07-436MJP, 2010 WL 1490650, at *1 (W.D. Wash. Apr. 13, 2010). “The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam). Second, McCorcle is currently represented by counsel and thus may not file a pro se motion. *See* Local Rule IA 10-6.

IT IS THEREFORE ORDERED that McCorcle's Motion to Reconsider Sentence (Doc. #33) is DENIED.

IT IS SO ORDERED.

DATED this 4th day of April, 2016.


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE